

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the final Office Action of June 11, 2008, and in connection with the Notice of Appeal filed concurrently herewith, please consider the remarks set out below.

The present application includes independent Claims 1, 12, 18, 24, and 29. The Examiner rejected independent Claims 1, 12, 18, 24, and 29 over Hoglund et al. Hoglund et al. is directed to a communications system for transmitting signals from a first communication device to a second communication device at a user specified real time and/or a polled transmission. More particularly, Hoglund et al. discloses a wireless messaging service that allows users to transmit and/or

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receive email and other messages on a real-time basis via an email account associated with the wireless communications device. Users can also check email messages stored within a separate POP or IMAP email account.

The Examiner contended that Hoglund et al. discloses a protocol engine module that is also for initiating polling of the data storage devices for unique identifications (UIDs) of data files stored thereon to maintain a new UID list current to within a polling interval, for cooperating with the protocol converter module to provide the new UID list to the mobile wireless communications devices upon receiving access requests therefrom, and initiating a supplemental polling based upon receiving the access requests to supplement the new UID list and provide the supplemented new UID list to the mobile wireless communications devices if new messages were determined during the supplemental polling, as recited in the independent claims.

Applicant submits that the Examiner mischaracterized Hoglund et al., as it discloses a scheduler 610 notifying a message lookup manager 620 to retrieve messages on either an automatic basis, as programmed, or on a manual basis. The message lookup manager 620 accesses a message ID associated with each user stored on a message server and compares those with the message IDs that have already been downloaded to the proxy server, and downloads, via the message download manager 650, only those messages associated with message IDs that have not already been downloaded. The messages are converted and transmitted to a respective mobile wireless communications

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device when that device is set to receive messages. (See Hoglund et al., Paragraphs 0088-0096).

Indeed, in Hogland et al. a new message ID (UID) list is not being provided to the mobile wireless communications devices upon receiving an access request therefrom, as in the independent claims. Additionally, nowhere in Hoglund et al. does it disclose that the protocol engine module is for initiating a supplemental polling based upon receiving the access requests to supplement the new UID list and provide the supplemented new UID list to the mobile wireless communications devices if new messages were determined during the supplemental polling.

Instead, in Hoglund et al., upon receiving a request, either automatic or manual, the message lookup manager 620 downloads new messages from the message server, and those messages are provided to the mobile wireless communications devices. Merely "identifying the one new message from the 1001 messages, and then sending a new request to download the new message," as contended by the Examiner as disclosing supplemental polling in Hoglund et al., paragraphs 0088-0096, is not equivalent to initiating a supplemental polling based upon receiving the access requests to supplement the new UID list and provide the supplemented new UID list to the mobile wireless communications devices if new messages were determined during the supplemental polling, as recited in the independent claims. Hoglund et al. does not perform a supplemental polling, as a single polling is performed either automatically, as scheduled, or manually. In other words, Hoglund et al. performs one

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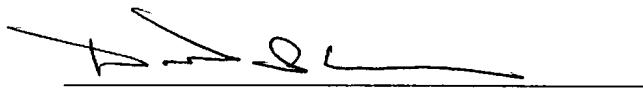
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polling per initiated request. (See Hoglund et al., Paragraphs 0088-0096). Accordingly, Hoglund et al. fails to disclose the claimed invention.

Accordingly, it is respectfully submitted that independent Claims 1, 12, 18, 24 and 29 are patentable over the prior art. Their respective dependent claims, which recite still further distinguishing features, are also patentable and require no further discussion herein.

Respectfully submitted,



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